

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 176 of 1991

in

SPECIAL CIVIL APPLICATION No 3301 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL and

MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
  5. Whether it is to be circulated to the Civil Judge? : NO

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DISTRICT DEVELOPMENT OFFICER

Versus

DHIRUBHAI S KUDESA  
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Appearance:

MR HS MUNSHAW for Appellants  
NOTICE SERVED for Respondent No. 1, 2  
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CORAM : MR.JUSTICE J.M.PANCHAL and  
MR.JUSTICE A.M.KAPADIA

Date of decision: 08/02/2000

ORAL JUDGEMENT (Per J.M. Panchal, J.):

1. This appeal which is filed under clause 15 of the Letters Patent is directed against the following order dated July 17, 1991 passed by the learned Single Judge in Special Civil Application No. 3301 of 1991:

"Rule. Ad-interim relief to the effect that status quo with regard to the petitioner's service conduction as on 3.5.1991 to be maintained. Direct service permitted."

2. We may state that Civil Application No. 1377 of 1991 was moved by the appellants in Letters Patent Appeal No. 176 of 1991 for stay of the operation and implementation of the ad-interim order which was passed by the learned Single Judge on July 17, 1991. The Division Bench hearing the Letters Patent Appeal had initially granted stay in favour of the appellants by order dated July 30, 1991, but subsequently, the same was vacated by order dated October 1, 1991. It means that since October 1, 1991 the order of status quo with regard to the petitioner's service conditions as on 3.5.1991 is in operation. No ground is made out by the appellants to interfere with the same in the present appeal. In fact, with the passage of time the appeal has become infructuous.

3. For the foregoing reasons, the appeal fails and is dismissed with no orders as to costs. It will be open to the appellants to request the learned Judge before whom the petition might have been notified for final hearing to give priority and hear the matter as early as possible.

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